## House Amendment 1678

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Amend House File 808, as passed by the House, as
   2 follows:
   3 #1. Page 1, line 10, by striking the figure <1.>
4 #2. Page 1, line 15, by striking the figure
   5 <18,047,299> and inserting the following:
   6 <17,213,319>.
   7 #3. Page 1, line 16, by striking the figure
  8 <417.12> and inserting the following: <412.52>.
9 #4. By striking page 1, line 17, through page 2, 10 line 15.
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  11 #5. Page 2, by inserting after line 17, the
  12 following:
  13 <Sec. ___. SENIOR FARMERS MARKET NUTRITION
14 PROGRAM. There is appropriated from the general fund
1 15 of the state to the department of agriculture and land
  16 stewardship for the fiscal year beginning July 1, 17 2005, and ending June 30, 2006, the following amount,
1 18 or so much thereof as is necessary, to be used for the
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  19 purposes designated:
  20
         For purposes of administering a senior farmers
  21 market nutrition program, including salaries, support,
  22 maintenance, miscellaneous purposes, and for not more
  23 than the following full=time equivalent positions:
                                                                         77,000
  24 .....
  25 ..... FTES
26 Sec. ____. CHRONIC WASTING DISEASE. There is
27 appropriated from the general fund of the state to the
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  28 department of agriculture and land stewardship for the
  29 fiscal year beginning July 1, 2005, and ending June
  30 30, 2006, the following amount, or so much thereof as
  31 is necessary, to be used for the purposes designated:
  32
         For purposes of administering a chronic wasting
  33 disease control program for the control of chronic 34 wasting disease which threatens farm deer as provided
  35 in chapter 170, including salaries, support,
  36 maintenance, miscellaneous purposes, and for not more
  37 than the following full=time equivalent positions:
  38 ..... $
                                                                       100,000
1 39 ...... FTEs
1 40 The program may include procedures for the
1 41 inspection and testing of farm deer, responses to
                                                                           1.60
1 42 reported cases of chronic wasting disease, and methods
  43 to ensure that owners of farm deer may engage in the
  44 movement and sale of farm deer.
       Sec.
                 __. HOMELAND SECURITY.
                                              There is
  46 appropriated from the general fund of the state to the
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  47 department of agriculture and land stewardship for the
  48 fiscal year beginning July 1, 2005, and ending June
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  49 30, 2006, the following amount, or so much thereof as
  50 is necessary, to be used for the purposes designated:
       For purposes of administering programs which
   2 provide for homeland security and emergency
   3 management, including programs which are necessary to 4 prevent or control a serious threat to the production
   5 and processing of agricultural commodities, and
   6 including salaries, support, maintenance,
7 miscellaneous purposes, and for not more than the
   8 following full=time equivalent positions:
                                                                         79,004
   9 ...... $
  10 ..... FTEs
11 The department may use the moneys appropriated in
                                                                           1.00
  12 this section to preserve and protect the public
  13 health, public safety, or the state's economy caused 14 by the transmission of disease among livestock as 15 defined in section 717.1 or agricultural animals as 16 defined in section 717A.1. The department shall
  17 cooperate with the homeland security and emergency
  18 management division of the department of public
  19 defense in the administration of emergency planning
  20 matters which involve agriculture.>
  21 #6. Page 3, by inserting after line 24, the
2 22 following:
2 23
                      APIARY REGULATION. There is
        <Sec.
  24 appropriated from the general fund of the state to the
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25 department of agriculture and land stewardship for the 26 fiscal year beginning July 1, 2005, and ending June 27 30, 2006, the following amount, or so much thereof as 28 is necessary, to be used for the purposes designated: 29 For support of apiary regulation as provided in 30 chapter 160, including salaries, support, maintenance, 31 and miscellaneous purposes: 40,000 32 ..... \_\_. SOIL AND WATER CONSERVATION DISTRICTS. 34 There is appropriated from the general fund of the 35 state to the department of agriculture and land 36 stewardship for the fiscal year beginning July 1 37 2005, and ending June 30, 2006, the following amount, 38 or so much thereof as is necessary, to be used for the 39 purposes designated: 40 For purposes of reimbursing commissioners of soil 41 and water conservation districts for administrative 42 expenses including but not limited to travel expenses, 43 technical training, and professional dues: 44 . 250,000 ............ A soil and water conservation district receiving 46 moneys from an allocation provided pursuant to this 47 section shall submit a report to the soil conservation 48 division of the department of agriculture and land 49 stewardship by January 1, 2006, accounting for moneys 50 which have been expended or unexpended or which have 1 been obligated or encumbered. The report shall state 2 how the moneys were used.> 3 #7. Page 3, line 33, by striking the figure <1.>
4 #8. Page 4, line 3, by striking the figure
5 <16,390,463> and inserting the following: 3 3 6 <16,968,439>. 7 #9. Page 4, by striking lines 5 through 16. 8 #10. Page 7, by inserting after line 9, the 3 9 following: 10 <ENERGY=RELATED PROVISIONS</pre> 11 Sec. \_\_\_. Section 476B.1, subsection 4, paragraph 12 c, Code 2005, is amended to read as follows: c. Was originally placed in service on or after 14 July 1, <del>2004</del> <u>2005</u>, but before July 1, <del>2007</del> <u>2008</u>. 15 Sec. \_\_\_. Se 16 read as follows: Section 476B.3, Code 2005, is amended to 476B.3 CREDIT AMOUNT. 1. Except as limited by subsection 2, the The wind 18 19 energy production tax credit allowed under this 20 chapter equals the product of one cent multiplied by 21 the number of kilowatt=hours of qualified electricity 22 sold by the owner during the taxable year. 2. a. The maximum amount of tax credit which a 3 24 group of qualified facilities operating as one unit 3 25 may receive for a taxable year equals the rate of 3 26 credit times thirty=two percent of the total number of 3 27 kilowatts of nameplate generating capacity. 3 28 b. However, if for the previous taxable year the 3 29 amount of the tax credit for the group of qualified 3 30 facilities operating as one unit is less than the <del>3 31 maximum amount available as provided in paragraph</del> 32 the maximum amount for the next taxable year shall be 3 33 increased by the amount of the previous year's unused <del>34 maximum credit.</del> Sec. \_ \_. Section 476B.5, Code 2005, is amended by 3 35 36 striking the section and inserting in lieu thereof the 3 37 following: DETERMINATION OF ELIGIBILITY. 3 38 476B.5 3 39 1. An owner may apply to the board for a written 3 40 determination regarding whether a facility is a 3 41 qualified facility by submitting to the board a 42 written application containing all of the following: 43 Information regarding the ownership of the 44 facility including the percentage of equity interest 45 held by each owner. 46 b. The nameplate generating capacity of the 47 facility. 48 c. Information regarding the facility's initial 49 placement in service. 50 d. Information regarding the type of facility. A copy of an executed power purchase agreement 4 2 or other agreement to purchase electricity upon completion of the project. f. Any other information the board may require. The board shall review the application and

6 supporting information and shall make a preliminary 7 determination regarding whether the facility is a 8 qualified facility. The board shall notify the 9 applicant of the approval or denial of the application 10 within thirty days of receipt of the application and 11 information required. If the board fails to notify 12 the applicant of the approval or denial within thirty 13 days, the application shall be deemed denied. 14 applicant who receives a determination denying an 15 application may file an appeal with the board within 16 thirty days from the date of the denial pursuant to 17 the provisions of chapter 17A. In the absence of a 18 timely appeal, the preliminary determination shall be 19 final. If the application is incomplete, the board 20 may grant an extension of time for the provision of 4 21 additional information. 3. A facility that is not operational within 2.2

23 eighteen months after issuance of an approval for the 24 facility by the board shall cease to be a qualified 25 facility. A facility that is granted and thereafter 26 loses approval may reapply to the board for a new

27 determination.

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28 The maximum amount of nameplate generating 29 capacity of all qualified facilities the board may 30 find eligible under this chapter shall not exceed four 31 hundred fifty megawatts of nameplate generating 32 capacity.

An owner shall not be an owner of more than two 34 qualified facilities.

Section 476B.6, Code 2005, is amended by Sec. \_ 36 striking the section and inserting in lieu thereof the 37 following:

476B.6 TAX CREDIT CERTIFICATE PROCEDURE.

1. a. To be eligible to receive the wind energy 40 production tax credit, the owner must first receive 4 41 approval of the board of supervisors of the county in 42 which the qualified facility is located. The 43 application for approval may be submitted prior to 4 44 commencement of the construction of the qualified 45 facility but shall be submitted no later than the 46 close of the owner's first taxable year for which the 47 credit is to be applied for. The application must 48 contain the owner's name and address, the address of 49 the qualified facility, and the dates of the owner's 50 first and last taxable years for which the credit will 1 be applied for. Within forty=five days of the receipt 2 of the application for approval, the board of 3 supervisors shall either approve or disapprove the 4 application. After the forty=five=day limit, the 5 application is deemed to be approved.

Upon approval of the application, the owner may b. apply for the tax credit as provided in subsection 2. 8 In addition, approval of the application is acceptance 9 by the applicant for the assessment of the qualified 10 facility for property tax purposes for a period of 11 twelve years and approval by the board of supervisors 12 for the payment of the property taxes levied on the 13 qualified property to the state. For purposes of 14 property taxation, the qualified facility shall be 15 centrally assessed and shall be exempt from any 16 replacement tax under section 437A.6 for the period 17 during which the facility is subject to property 18 taxation. The property taxes to be paid to the state 19 are those property taxes which make up the 20 consolidated tax levied on the qualified facility and 21 which are due and payable in the twelve=year period 22 beginning with the first fiscal year beginning on or 23 after the end of the owner's first taxable year for 24 which the credit is applied for. Upon approval of the 25 application, the board of supervisors shall notify the 26 county treasurer to state on the tax statement which 27 lists the taxes on the qualified facility that the 28 amount of the property taxes shall be paid to the 29 department. Payment of the designated property taxes 30 to the department shall be in the same manner as 31 required for the payment of regular property taxes and

33 department shall be treated the same as failure to pay 34 property taxes to the county treasurer. c. Once the owner of the qualified facility

36 receives approval under paragraph "a", subsequent

32 failure to pay designated property taxes to the

5 37 approval under paragraph "a" is not required for the 5 38 same qualified facility for subsequent taxable years.

2. An owner of a qualified facility may apply to 5 40 the board for the wind energy production tax credit by 5 41 submitting to the board all of the following:

a. A completed application in a form prescribed by 43 the board.

b. A copy of the determination granting approval 45 of the facility as a qualified facility by the board.

c. A copy of a signed power purchase agreement or 47 other agreement to purchase electricity.

d. Sufficient documentation that the electricity 49 has been generated by the qualified facility and sold 50 to a purchaser.

e. Any other information the board deems 2 necessary.

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3. The board shall notify the department of the amount of kilowatt=hours generated and purchased from 5 a qualified facility. The department shall calculate 6 the amount of the tax credit for which the applicant is eligible and shall issue the tax credit certificate 8 for that amount or notify the applicant in writing of 9 its refusal to do so. An applicant whose application 10 is denied may file an appeal with the department 11 within sixty days from the date of the denial pursuant 12 to the provisions of chapter 17A.

13 4. Each tax credit certificate shall contain the 14 owner's name, address, and tax identification number, 15 the amount of tax credits, the first taxable year the 16 certificate may be used, the type of tax to which the 17 tax credits shall be applied, and any other 18 information required by the department. The tax 19 credit certificate shall only list one type of tax to 20 which the amount of the tax credit may be applied. 21 Once issued by the department, the tax credit 22 certificate shall not be terminated or rescinded.

23 If the tax credit application is filed by a 24 partnership, limited liability company, S corporation, 25 estate, trust, or other reporting entity all of the 26 income of which is taxed directly to its equity 27 holders or beneficiaries, for the taxes imposed under 28 chapter 422, division II or III, the tax credit 29 certificate shall be issued directly to equity holders 30 or beneficiaries of the applicant in proportion to 31 their pro rata share of the income of such entity. 32 The applicant shall, in the application made under 33 this section, identify its equity holders or 34 beneficiaries, and the percentage of such entity's 35 income that is allocable to each equity holder or 36 beneficiary. If the tax credit application is filed 37 by a partnership, limited liability company, S 38 corporation, estate, trust, or other reporting entity, 39 all of whose income is taxed directly to its equity 40 holders or beneficiaries for the taxes imposed under 6 41 chapter 422, division V, or under chapter 432, the tax 6 42 credit certificate shall be issued directly to the 43 partnership, limited liability company, S corporation,

44 estate, trust, or other reporting entity.
45 6. The department shall not issue a tax credit 46 certificate if the facility approved by the board as a 47 qualified facility is not operational within eighteen 48 months after the approval is issued.

7. Once a tax credit certificate is issued 50 pursuant to this section, the tax credit may only be 1 claimed against the type of tax reflected on the 2 certificate.

8. A tax credit certificate shall not be used or 4 attached to a return filed for a taxable year beginning prior to July 1, 2006.

Section 476B.7, unnumbered paragraph 1, Sec. 6 Sec. \_\_\_\_. Section 476B.7, unnumbered 7 Code 2005, is amended to read as follows:

8 Wind energy production tax credit certificates 9 issued under this chapter may be transferred to any 10 person or entity. Within thirty days of transfer, the 11 transferee must submit the transferred tax credit 12 certificate to the board department along with a 13 statement containing the transferee's name, tax 14 identification number, and address, and the 15 denomination that each replacement tax credit 16 certificate is to carry and any other information 7 17 required by the department. Within thirty days of

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7 18 receiving the transferred tax credit certificate and
7 19 the transferee's statement, the board department shall
  20 issue one or more replacement tax credit certificates
  21 to the transferee. Each replacement certificate must
  22 contain the information required under section 476B.6
  23 and must have the same effective taxable year and the
  24 same expiration date that appeared in the transferred
  25 tax credit certificate. Tax credit certificate
  26 amounts of less than the minimum amount established by
  27 rule of the board shall not be transferable. A tax
  28 credit shall not be claimed by a transferee under this
  29 chapter until a replacement tax credit certificate
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  30 identifying the transferee as the proper holder has
  31 been issued.
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                    Section 476B.8, Code 2005, is amended to
  32
        Sec.
  33 read as \overline{\text{follows}}:
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        476B.8 USE OF TAX CREDIT CERTIFICATES.
        To claim a wind energy production tax credit under
  36 this chapter, a taxpayer must attach one or more tax
  37 credit certificates to the taxpayer's tax return. A
  38 tax credit certificate shall not be used or attached
  39 to a return filed for a taxable year beginning prior 40 to July 1, \frac{2005}{2006}. The tax credit certificate or
  41 certificates attached to the taxpayer's tax return
  42 shall be issued in the taxpayer's name, expire on or 43 after the last day of the taxable year for which the
  44 taxpayer is claiming the tax credit, and show a tax
  45 credit amount equal to or greater than the tax credit
  46 claimed on the taxpayer's tax return. Any tax credit
  47 in excess of the taxpayer's tax liability for the
  48 taxable year may be credited to the taxpayer's tax
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  49 liability for the following seven taxable years or
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  50 until depleted, whichever is the earlier.
   1 Sec. \frac{1}{2}. Sec. 2 read as follows:
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                  . Section 476B.9, Code 2005, is amended to
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        476B.9 REGISTRATION OF TAX CREDIT CERTIFICATES.
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        The board shall, in conjunction with the
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   5 department, shall develop a system for the
   6 registration of the wind energy production tax credit
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   7 certificates issued or transferred under this chapter
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   8 and a system that permits verification that any tax
   9 credit claimed on a tax return is valid and that
  10 transfers of the tax credit certificates are made in
  11 accordance with the requirements of this chapter.
  12 tax credit certificates issued under this chapter
8 13 shall not be classified as a security pursuant to
8 14 chapter 502.
        Sec.
                    NEW SECTION.
                                   476B.10 RULES.
        The department and the board may adopt rules
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  16
8
  17 pursuant to chapter 17A for the administration and
  18 enforcement of this chapter.>
19 #11. Page 7, by inserting before line 10 the
8
  20 following:
                      <IOWA STATE UNIVERSITY
8
  21
  22
                     DESIGNATED APPROPRIATION
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  23
                    OPEN FEEDLOTS HOUSING BEEF CATTLE ==
  24 WATER QUALITY RESEARCH PROJECT. There is appropriated
8
  25 from the agrichemical remediation fund created in
  26 section 161.7 to Iowa state university for the fiscal
  27 year beginning July 1, 2005, and ending June 30, 2006,
  28 the following amount, or so much thereof as is 29 necessary, to be used for the purposes designated:
8
        For purposes of supporting a water quality research
8
  31 project which studies the effectiveness of alternative
  32 technologies used to reduce risks to water quality
  33 from effluent originating from open feedlots which
8
  34 house beef cattle:
  100,000
  37 shall cooperate with the Iowa cattlemen's association,
  38 the department of natural resources, the department of
  39 agriculture and land stewardship, and the United
8 40 States department of agriculture natural resource
8 41 conservation service.
  42
                     DEPARTMENT OF AGRICULTURE
                       AND LAND STEWARDSHIP
8
  43
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  44
                            HORSE AND DOG
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  45
                        REGULATION == FEES
                    Section 99D.22, subsection 3, paragraph
8 46
        Sec.
8 47 d, Code \overline{2005}, is amended to read as follows:
        d. Adopt <u>rules establishing</u> a schedule of fees to
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8 49 be charged to imposed on breeders of thoroughbreds, 8 50 quarter horses, or standardbreds to administer for <u>purposes of administering and enforcing</u> this subsection. The moneys paid to the department from fees as provided in this paragraph shall be considered 2 subsection. 4 repayment receipts as defined in section 8.2, and 5 shall be used for the administration and enforcement 6 of this subsection. 9 Sec. Section 99D.22, Code 2005, is amended by 9 8 adding the following new subsection: NEW SUBSECTION. 3A. a. The department of 10 agriculture and land stewardship shall adopt rules 11 establishing a schedule of registration fees to be 12 imposed on owners of dogs that are whelped and raised 13 for the first six months of their lives in Iowa for 14 purposes of promoting native dogs as provided in this 15 chapter, including section 99D.12 and this section. 16 The amount of the registration fees shall be imposed 17 as follows: 9 18 (1) An owner of a dam registering the dam, twenty= 19 five dollars. (2) An owner of a litter registering the litter, 2.0 9 21 ten dollars. 22 (3) An owner of a dog registering the dog, five 9 23 dollars 24 b. The moneys paid to the department from 25 registration fees as provided in paragraph "a" shall 26 be considered repayment receipts as defined in section 27 8.2, and shall be used for the administration and 28 enforcement of programs for the promotion of native 29 dogs. 9 30 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP 31 AND DEPARTMENT OF NATURAL RESOURCES 32 DEER REGULATION AND FEES 33 NEW SECTION. 170.3A CHRONIC WASTING 34 DISEASE CONTROL PROGRAM. The department shall establish and administer a 36 chronic wasting disease control program for the 37 control of chronic wasting disease which threatens 38 farm deer. The program shall include procedures for 39 the inspection and testing of farm deer, responses to 40 reported cases of chronic wasting disease, and methods 41 to ensure that owners of farm deer may engage in the 42 movement and sale of farm deer. 43 NEW SECTION. 170.3B FARM DEER Sec. 44 ADMINISTRATION FEE. 9 45 The department may establish a farm deer 46 administration fee which shall be annually imposed on 47 each landowner who keeps farm deer in this state. Th 48 amount of the fee shall not exceed two hundred dollars 49 per year. The fee shall be collected by the 50 department in a manner specified by rules adopted by 9 the department after consulting with the farm deer 10 10 council established in section 170.2. The collected 10 fees shall be credited to the farm deer administration 10 fund created pursuant to section 170.3C. Sec. \_\_. <u>NEW SECTION</u>. 170.3C FARM DEER ADMINISTRATION FUND == APPROPRIATION.

A farm deer administration fund is created in the 10 10 6 10 10 state treasury under the control of the department. 1. The fund shall be composed of moneys 10 10 10 appropriated by the general assembly and moneys 10 11 available to and obtained or accepted by the 10 12 department from the United States or private sources 10 13 for placement in the fund. The fund shall include all 10 14 moneys collected from the farm deer administration fee 10 15 as provided in section 170.3B. 16 2. The moneys in the fund are appropriated 17 exclusively to the department for purposes of 10 16 10 10 18 administering this chapter, including but not limited 10 19 to the administration of the chronic wasting disease 10 20 control program as provided in section 170.3A. 3. Section 8.33 shall not apply to moneys credited 10 21 10 22 to the fund. Notwithstanding section 12C.7, moneys 10 23 earned as income or interest from the fund shall 10 24 remain in the fund until expended as provided in this

10 26 Sec. \_\_\_\_. Section 483A.24, subsection 2, paragraph 10 27 c, if enacted by 2005 Iowa Acts, Senate File 206, 10 28 section 8, is amended to read as follows:

10 25 section.

c. Upon written application on forms furnished by

10 30 the department, the department shall issue annually 10 31 without fee two deer hunting licenses, one antlered or 10 32 any sex deer hunting license and one antlerless deer 10 33 only deer hunting license, to the owner of a farm unit 10 34 or a member of the owner's family, but only a total of 10 35 two licenses for both, and to the tenant of a farm 10 36 unit or a member of the tenant's family, but only a 10 37 total of two licenses for both. The deer hunting 10 38 licenses issued shall be valid only for use on the 10 39 farm unit for which the applicant applies pursuant to 10 40 this paragraph. The owner or the tenant need not 10 41 reside on the farm unit to qualify for the free deer 10 42 hunting licenses to hunt on that farm unit. 10 43 deer hunting licenses issued pursuant to this 10 44 paragraph shall be valid and may be used during any 10 45 shotgun deer season. The licenses may be used to 10 46 harvest deer in two different seasons. In addition, a 10 47 person who receives a free deer hunting license 10 48 pursuant to this paragraph shall pay a one dollar fee 10 49 for each license that shall be used and is 10 50 appropriated for the purpose of deer herd population management, including assisting with the cost of 11 2 processing deer donated to the help us stop hunger 3 program administered by the commission.> 4 #12. Title page, line 3, by inserting after the 11 11 11 5 word <resources> the following: <, and provisions 6 relating to a wind energy production tax credit>. 7 #13. Title page, line 3, by inserting after the 11 11 8 word <resources> the following: <, and providing for 11 9 fees>. 11 11 10 #14. By renumbering, relettering, or redesignating 11 11 and correcting internal references as necessary. 11 12 HF 808.1

11 13 kk/es/25